U.S DEPARTMENT OF ENERGY
TRANSPORTATION EXTERNAL COORDINATION WORKING GROUP MEETING

July 24-25, 2007
Kansas City, Missouri

Welcome and Meeting Overview

The U.S. Department of Energy (DOE), Transportation External Coordination Working Group (TEC) held its 28th meeting on July 24-25, 2007, in Kansas City, Missouri. One hundred sixty-six participants, representing national, state, tribal, and local government; industry; professional organizations; and other interested parties, met to address a variety of issues related to DOE's radioactive materials transportation activities. In terms of the number of attendees, this was the largest TEC meeting ever held.

The TEC process includes the involvement of these key stakeholders in developing solutions to DOE transportation issues through their actual participation in the work product. These members provide continuing and improved coordination between DOE, other levels of government, and outside organizations with DOE transportation-related responsibilities. These notes do not represent final DOE positions or policy and only summarize discussions that may help inform DOE program activities.

Presentations from this meeting as well as the agenda and a listing of participants can be found on the home page of the TEC Website at http://www.tecworkinggroup.org.

Plenary I – DOE Program Updates

Office of Civilian Radioactive Waste Management (OCRWM) – Edward Sproat, Director

Mr. Sproat opened the meeting by reinforcing the importance of DOE interacting with its stakeholders. DOE recognizes that it cannot implement this program alone and that it requires involvement from a large number of participants. The transportation element of the program has the advantage of time to work with stakeholders to establish a sense of direction.

In reviewing the program's major milestones, Mr. Sproat discussed the "Best Achievable" schedule for opening Yucca Mountain and the major milestones associated with the program. Key milestones discussed included:

- License Support Network (LSN) certification (December 2007) is a prerequisite for DOE to submit the License Application (LA) to the Nuclear Regulatory Commission (NRC). The LSN is an online database of documents associated with Yucca Mountain. The LSN must be certified at least six months prior to submitting the LA. OCRWM plans to certify the LSN before the end of September, which is earlier than planned.

- After public comment, issue the Final *Supplemental Yucca Mountain Rail Corridor and Rail Alignment Environmental Impact Statement* (Rail SEIS) and Final *Supplemental Environmental Impact Statement for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (Repository SEIS) (May 2008).

- Submit the LA (June 2008) – This is the top strategic objective for the program. It is currently on schedule. This will move the repository program into the regulatory realm and out of the political realm.

- Nevada Rail Construction (October 2009) – This date is no longer feasible due to the funding of $445 million received in FY 2007. This will not impact the schedule for the Yucca Mountain repository.

- Begin receipt (March 2017) – This is the "Best Achievable" date. This date assumes that all goes well. There are two qualifiers associated with "Best Achievable" versus most probable, which are funding and regulation. Litigation could also be a factor. A more probable opening date is 2020 or 2021. Mr. Sproat emphasized the need for adequate funding.

Mr. Sproat next reviewed the four strategic objectives of the program:

- Submit the LA on June 30, 2008 – Mr. Sproat reiterated that this top strategic objective will be met.

- Implement a Nuclear Culture – Mr. Sproat related that he is investing half of his time to implement this objective. OCRWM has to have the capabilities, talent, culture and business processes to execute the program. Mr. Sproat stated that he was committed to fixing this issue while he is in charge. This will be part of his legacy. Changing the way OCRWM does business is imperative. Senior leaders with industry experience have been brought in to help the program define the organizational needs and the culture required for the program to be successful, now and in the future.

- Address the liability associated with Nuclear Waste – DOE has a legally binding contract with utilities which was supposed to be met in 1998 by beginning to accept spent nuclear fuel. Rate payers will have to underwrite spent fuel storage expansion at nuclear plants. Taxpayers will have to bear the costs every year that DOE does not perform. There is growing consensus in Congress that a solution is needed to fix this problem.

- Develop a National Transportation Plan (NTP) – Develop and implement a national spent fuel plan that accommodates state, tribal, and local concerns and input to the greatest extent possible. A first draft of the plan will be discussed at this meeting. It will be a living document. The document will define the process of how to implement the transportation system.

Mr. Sproat then identified key issues for the program. These included:

- Fiscal Year (FY) 2007 Continuing Resolution – OCRWM received $445 million for FY 2007. This was $100 million less than requested. Sufficient funding was not provided to Nevada rail and national transportation activities. The majority of funding was allocated to ensure that the LA is submitted on time.

- FY 2008 – The budget request for FY 2008 is $494.5 million. The House of Representatives fully funded the request. This is a major victory for the program. The Senate appropriated $444.5 million. DOE is currently developing funding scenarios to meet the Senate mark. Nevada Congressman Porter introduced a floor amendment to the Energy and Water Appropriations bill that would have stripped out funding for the OCRWM Program. The House voted 351 – 80 to defeat Congressman Porter's amendment. This vote illustrates the strong bi-partisan support for the program.

- Nevada Rail Mina Corridor – The Walker River Paiute Tribe withdrew its participation in DOE's environmental impact study of the Mina route as a possible rail corridor for access to Yucca Mountain. The Mina corridor will not be analyzed any further as it is no longer a viable option. However, the analysis performed prior to the Walker River Paiute's withdrawal will be included in the Rail SEIS.

- Revised Cost Estimates – OCRWM has a high confidence in the estimates of what it will take to build the Yucca Mountain repository. Congress informed the program that it supported the schedule but wanted to know the costs associated with meeting the schedule. Mr. Sproat committed to developing a cost estimate. A cash flow was built from 2009 to 2023, when all surface facilities will be completed. Underground construction will continue after operations begin. Annual cash flow needs will peak at $2 billion. OCRWM also plans to release an updated Total System Life-Cycle Cost estimate to Congress in October. Congress needs this data to determine if the Nuclear Waste Fund (NWF) is adequate. The estimate will be higher than projected in 2001, mainly due to nuclear plants' operational life becoming been longer than expected.

  The NWF is a trust fund established by the Nuclear Waste Policy Act (NWPA). A one mill per kilowatt hour fee on electricity generated and sold from nuclear power plants creates a revenue stream of three-quarters of a billion each year for the Fund. The current balance is $19.5 billion. The return is 5.3% per year through investments in Treasury instruments. Currently, OCRWM does not have direct access to the NWF. Congress must appropriate funds to the program. The total liability due to the delay in opening the repository will be $7 billion by 2017. The cost will incrementally go up $.5 billion every year that repository operations are delayed past 2017. Currently, funding for the program must compete with all other federal programs for dollars. There is a significant gap of appropriations allocated to the Program versus what is needed to execute the program. For example, $1.1 billion will be needed in 2009. That leaves a $500 million difference. The program is currently considered a discretionary program under Congressional budgeting rules (Graham-Rudman), but the NWF is a mandatory receipt program. OCRWM can not obtain mandatory funds for a discretionary program. If the current funding approach continues Yucca Mountain will not be built. It is a program priority to fix the funding problem.

Office of Logistics Management (OLM) – Gary Lanthrum, Director

Mr. Lanthrum discussed FY 2007 priorities for OLM. These included:

- Issue the draft NTP – OLM is seeking input from stakeholders. The NTP discusses the framework for developing the transportation system.

- Issue Section 180(c) *Federal Register* Notice (FRN) – The FRN was issued July 23, 2007.

- Complete Benchmarking Best Practices Report – The interim report was completed. The focus was on other DOE shipping campaigns. The next phase will analyze industry and transportation practices in other countries.

Mr. Lanthrum identified current Nevada and national activities. These included:

- Draft *Supplemental Yucca Mountain Rail Corridor and Rail Alignment Environmental Impact Statement* – Part I is a supplemental analysis. Part II is on the alignment analysis. The draft is scheduled to be published in mid-October 2007 followed by a two and one-half to three-month comment period. The final is slated to be issued in 2008 along with a record of decision on the rail alignment. Rail design activities will commence in 2009.

- Routing – The intent of this activity is to meet the program goals and address stakeholder concerns. Routing activities will also support implementation of Section 180(c) and address the National Academies of Science's (NAS) report recommendations. The report recommended that OLM identify routes as early as possible. OLM understands the benefits of identifying routes early. Early identification will allow adequate time for training and exercises as well as demonstration projects. Planning grants for Section 180(c) will follow completion of the pilot projects. OLM has also reviewed the potential implications for OLM on the two proposed rule makings by the Department of Transportation (DOT) and the Department of Homeland Security (DHS). Routing may become an industry responsibility.

- Social Risks – The NAS recommendations pointed out that there were no fundamental technical barriers to the safe transport of SNF and HLW in the U.S., and that the current regulatory framework was adequate. The NAS report recommended assessing and managing social risks and to eliminate them to the extent practicable. OLM is currently evaluating mechanisms to engage the public on safety and security on the general topic of relative risk. Mr. Lanthrum informed the group that France did not need to address this type of risk because there had been a lengthy dialogue on the use of nuclear power. It was suggested that perhaps a TEC Topic Group could be formed on this issue.

- Sabotage Studies – OLM has partnered with Germany, France, United Kingdom, DOT, and NRC. Planned tests to be performed by Sandia will measure effects on an attack of spent fuel and assess the consequences. NRC issued classified and unclassified reports of a study of the Interim Compensatory Measures issued after September 11, 2001. In summary, the report indicated that the current approach was adequate.

- Package Performance Study (PPS) – The current test protocol involves a locomotive collision with a rail cask. OLM has suggested to NRC that the real world accident scene be used as part of a training scenario for emergency responders. The goal is to make the PPS more than an engineering study.

- Tribal Workshop – There was significant turnout and participation from new tribes. Participation from tribes at this TEC is at an all time high and can be attributed to the success of the Tribal Workshop.

- Request for Information (RFI) – An RFI was issued for the construction and operation of the Nevada rail line. OLM plans to receive input from industry in mid-August. Beginning in September, OLM will then have one-on-one meetings with potential vendors to discuss their recommendations.

Office of Environmental Management (EM) – James Rispoli, Director

Mr. Rispoli emphasized that EM would not have been able to achieve many of its cleanup objectives without first addressing significant transportation issues. He observed that EM oversees the largest environmental cleanup program in the world involving more than 2 million acres at 24 sites located in 14 states. To date, EM has made approximately 1,900 intermodal shipments, 8,000 rail shipments, and 45,000 truck shipments of waste. Mr. Rispoli then discussed some recent illustrations of EM progress.

- Rocky Flats – Two weeks prior to TEC, DOE formally transferred the Rocky Flats site to the U.S. Department of Interior (DOI), Fish and Wildlife Service. At the core of this cleanup project was a massive waste transportation campaign involving shipments to the Waste Isolation Pilot Project (WIPP), Nevada Test Site (NTS), and commercial facilities (e.g., Envirocare). EM used special containers certified by the NRC and secure transport (primarily truck) to ship approximately 600,000 cubic meters of low-level waste. In all, an average of more than 100 trucks per day left the site.

- Fernald – The site is effectively closed and is in the process of being converted to a combination of wetlands and wildlife areas, ecological research and public education projects, and limited redevelopment opportunities. Cleanup of the site required 154 trains consisting of more than 9,000 rail cars, as well as approximately 2,000 truck shipments.

- Miamisburg – As the cleanup process is completed, this facility is being returned in phases to the Miamisburg Mound Community Improvement Corporation. To date, there have been approximately 4,000 rail cars and more than 300 truck shipments of waste made to the Savannah River Site (SRS), NTS, and private waste disposal facilities.

- Melton Valley – Closure of the Melton Valley site at Oak Ridge was completed in September of 2006. Removal of waste from just 28 acres required hundreds of truck shipments.

Mr. Rispoli identified additional EM institutional and transportation efforts. These include:

- Tribal Policy Framework – Beginning in 2005, and in consultation with tribal representatives and other DOE offices, EM has developed a framework for implementing the DOE Tribal Policy. The framework is in the final stages of concurrence and has been adopted by the Office of Nuclear Energy (NE) and the National Nuclear Security Administration (NNSA).

- FY 2007 Transportation Update – EM completed 852 shipments of Transuranic (TRU) waste to the WIPP, 37 of which were remote-handled. An additional 2,500 shipments of low-level waste were made.

- Upcoming Shipping Campaigns – Hanford is planning 11 sodium bonded fuel shipments from the Fast Flux Test Facility to Idaho, beginning in the fall of 2007. In addition, beginning in 2009 and continuing until 2019, SRS and Idaho will engage in approximately 30 transfer shipments of SNF.

Mr. Rispoli concluded his remarks with a brief discussion of the importance of safety to the EM program. He observed that the ever-changing nature of EM operations place a premium on safe operations. To ensure safety during transport operations, EM employs only highly qualified carriers that have been approved under EM's Motor Carrier Evaluation Program and their performance is continually tracked and evaluated for improvement opportunities. Because of their efforts, DOE recently received the 2006 National TransCAER Chairman's Award.

EM Office of Transportation – Ella McNeil

Ms. McNeil provided an update on current activities within the EM Office of Transportation. These include:

- Three sites (Oak Ridge, West Valley, and Mound) accounted for the low-level and mixed low-level waste shipments, while mixed oxide shipments occurred between Hanford and Idaho.

- 58,000 cylinders of uranium oxide located at Paducah and Portsmouth are going to be shipped via rail to NTS or a commercial facility. EM anticipates shipping 11 railcars per week, each containing 5-6 cylinders.

- EM completed revisions to DOE Manual 460.2-1, *Radioactive Material Transportation Practices Manual* in April of 2007. It is currently awaiting concurrence by OGC.

- A working group was established in January of 2007 whose charge was to develop a more consistent set of event vs. incident reporting criteria. The ultimate goal is to use the data generated from these new criteria as metrics to assess performance over time and relative to private industry.

- Under the Transportation Emergency Preparedness Program (TEPP), more than 1,500 individuals received emergency preparedness training within approximately 90 classes.

These classes include numerous exercises and draw upon the contributions of 25 instructors from seven states.

- The Modular Emergency Response Radiological Transportation (MERRT) training is being revised based on user feedback. Revisions include: rewriting the Decontamination, Disposal, and Documentation module; merging several modules to eliminate redundancies; and adding exercises.

- TEPP has teamed with Norfolk Southern to hold a TRANSCAER whistle stop tour designed to increase local community understanding emergency planning.

- In association with the Western Governors Association, TEPP developed a Radiation Specialist Training program. Phase I of the program involves a 24-hour course that will be piloted in Harrisburg, PA (October 2-4, 2007) and Idaho Falls (TBD).

Questions/Comments and Responses

Comment: While the proposed 180(c) policy is clear about providing funding for training for state and local emergency response operation, there is no good answer about inspections and escorts.

Response: Discussions are ongoing about the appropriate roles and responsibilities. OCRWM plans to have escorts accompanying shipments. The states may want to add escorts.

Question: Have there been any developments with respect to plans for consolidating plutonium from EM sites?

Response: DOE submitted a business case for consolidation to Congress in April of 2007. SRS will possess the capacity for consolidation – the mixed oxides (MOX) facility will begin construction in August of 2007. In addition, the H-Canyon facility will have some reprocessing capacity.

Comment: It was requested that eligibility for Section 180(c) shouldn't be based on the half-mile determination and that tribal representatives should be trained on emergency preparedness.

Response: Base funding will be $200 k for planning and $100 k for training. This funding is not based on the size of the tribe.

Question: How does the NTP relate to section seven of the proposed legislation, which exempts DOE from state laws and fees?

Response: The legislation provides clarity for shipments to Yucca Mountain wherein if there is a situation where a local government refused to participate in the campaign then OCRWM would have some rights to appeal to the Secretary of Transportation, just as other DOE Programs

currently have. This legislation provides the Secretary of DOE the ability to override local government decisions.

Question: How are roles and responsibilities going to be defined?

Response: Detailed roles and responsibilities will be driven down as campaign plans are developed. For example, escorts will be embedded in shipments and trains. Clarity will be provided as planning evolves.

Question: Would it help if the State Regional Groups and tribes propose an amendment to the NWPA to help resolve funding issues?

Response: Yes, that will help.

Question: What is the schedule and status of the second repository?

Response: The Secretary of Energy is required to report to Congress by 2010 on the need for a second repository. Yucca Mountain has more physical capacity than originally planned. A need a second repository will still be necessary with the current waste situation, but the goal is to maximize Yucca Mountain. OCRWM proposed legislation to lift the 70,000 MTHM statutory limit. The Electric Power Research Institute has issued a study indicating that Yucca Mountain can probably hold double this capacity. DOE will provide a report to Congress in the second half of 2008 that will inform Congress that a second repository is required. The size of the facility and possible locations will also be addressed.

Question: What was the cost differential between the Mina and Caliente corridors? If it was a great magnitude, would it promote the use of the Mina corridor? If the option of Mina corridor opened back up, what would be the deadline for considering this option?

Response: Alignments vary within corridors. The difference was several hundred million dollars. This is mainly due to the 100 miles difference in track construction of the two corridors. This is moot since Mina is not a viable solution because the Walker River Paiute Tribe withdrew from the process. The draft EIS that is due in October will identify the range of alignment options. Issuance of the Record of Decision, 30 days after the Final Rail SEIS, will identify the selection of an alignment within the corridor. This will be OLM's final decision.

Question: Are states including tribal reservations in the number of miles in their funding allocation approach? If so, they should not be allowed to do so.

Response: Tribal impacts and eligibility will be calculated separately for tribes. OLM is not sure if states currently have counted tribal land miles. OLM will look into this.

Question: Will temporary storage options help begin moving waste? And if OCRWM is looking for temporary storage, it should think about co-locating with the Global Nuclear Energy Partnership reprocessing plant.

Response: There are legal barriers of reprocessing. OCRWM is having conversations with high levels of the administration. Interim storage to minimize liability is a good idea that has potential if done correctly, but OCRWM does not have the authority. Congress needs to change the law. Co-locating interim storage and reprocessing requires revision to current legislation, and the executive and legislative branches to come together on this issue. A business case is required for this to happen which is currently being developed.

Comment: There is a concern that if the suites of routes contain a large number of routes, funding will be limited to their states that will actually be impacted by shipments.

Response: Campaign plans will refine the number of routes and direct funding for Section 180(c). Funding won't be provided at the same time for all routes. It will depend on the shipping schedule.

Question: Will interim storage happen and if so when? If it does happen, how does OLM plan on developing the transportation plan?

Response: There is support in Congress for interim storage, if it is sufficient to pass legislation before the end of the current administration has yet to be determined. The answer is DOE does not know. Transportation planning will depend on the interim storage location. Current law does not allow for interim storage in Nevada. This will probably be the case until Yucca Mountain gets licensed.

Plenary II – Intermodal Operations Panel

Federal Railroad Administration (FRA) – Kevin Blackwell

Mr. Blackwell presented an evaluation of short line railroads that would be used for the transportation of spent nuclear fuel. The steps involved in identifying and evaluating short line railroads included:

- Identifying lines serving nuclear power plants or involved in the transportation link;
- Establishing contact information with railroad officials;
- Conducting a field review of each railroad's physical and operational infrastructure;
- Qualifying each railroad's present operational status against a safe acceptable standard; and
- Facilitating upgrades to meet safe acceptable standards.

The FRA contacted 28 identified short line railroads to verify the existing information. The FRA was able to create accurate railroad identifications, lists of officials, and points of contact. Each railroad was sent a physical and operational infrastructure survey to complete. The survey included information regarding DOE shipping point, serving railroad, track, operation, mechanical, grade crossing, and whether the railroad was hazardous material certified.

Mr. Blackwell also presented information regarding excepted track in use. FRA track classes are based upon maximum allowable speeds. Track class speeds range from Class 1 at 10 mph through Class 7 at 100 mph or more. Excepted track generally only requires an inspection once every 30 days. Railroads must comply with maximum gauge restrictions.

As a final evaluation of the short line railroads, the ultimate objective for FRA is to determine whether the identified short line railroads meet the minimum safe expectable standard for:

- Track weights – minimum for shipments;
- Method of operation – dispatched, yard limits, joint operations;
- Equipment restrictions – clearance, weight, tight curves;
- Hazardous material – registration, training;
- Grade crossing – number, type, condition; and
- Infrastructure capabilities – bridges, tunnels.

Intermodal operations are not new to the nation's rail carriers. The nation's railroads have conducted transfer operations and to and from highway and water transport modes for over 30 years. Many railroads including Class 1's and short lines routinely perform intermodal transfer and transport of commodities between highway and vessel transporters. This includes intermodal transfer of radioactive material.

MHF Logistical Solutions (MHF-LS) – Gene Gleason

Mr. Gleason gave an overview of the keys to successful intermodal transportation. MHF-LS is a leader in the packaging and transportation of radioactive and hazardous waste materials. They have shipped in excess of 12 million tons of radioactive and hazardous waste over the past twelve years.

Mr. Gleason emphasized the importance of health, safety and emergency plans for each transload facility. He also stated that a major component of successful transportation is the inclusion of stakeholders. MHF-LS strives to have full compliance with all applicable laws and regulations and discusses transload facility feasibility with local stakeholders and participates in public hearings and forums.

Edwards Moving and Rigging, Inc. (EMR) – Wes Knapp

Mr. Knapp presented an overview of EMR's heavy load capabilities. EMR moves cargo that weighs anywhere from 80,000 pounds to individual pieces weighing 1200 tons. Moves can be on site or can be moved over hundreds or thousands of miles of road. EMR also does a significant amount of heavy rigging. Extremely heavy cargo is very dangerous to move. In almost very case the equipment to be moved is broken down into the smallest package so that it can to be shipped. Regardless, the weights of the individual components are still very heavy movements.

EMR works will all modes of transportation. Some plants no longer have railroad access or barge loading capability. EMR works to provide a logistical solution to getting the components to and from the plant sites. Often this means road transport to the nearest siting or nearest barge slip. In the past EMR has made their own roll on/roll off facilities to fulfill the needs of the project. Five key areas that enable a transport contractor to handle heavy cargo are:

- Engineering;
- Planning;
- State of the art equipment;
- Qualified workers; and
- Document control systems.

Transport companies work with DOT organizations to obtain the proper clearances. When possible, EMR likes to work with the state directly so issues can be worked out quickly and efficiently. Some states still take the responsibility of categorizing the loads to their interpretations, and this places transport restrictions on the loads at will. States do not have the same rules.

Another important part of a large movement is notifying emergency management personnel to keep them aware of the movement location. Another aspect of a large move analysis is traffic patterns and control. On large and unusual movements, EMR will develop a Traffic Control Plan to present to local authorities.

EMR's engineers work with manufacturers and shippers to establish tie down points. This may require EMR to provide the customer locations for our load securement. Nevertheless, plans are developed to meet DOT specifications for road transport and ANSI specifications for barge movement. Bridges are one of the biggest obstacles for movement of heavy loads. Sometimes EMR has to engineer bridge supports to safely meet the structure requirements.

DOE Savannah River Site-Global Threat Reduction Initiative: US Nuclear Remove Program – Chuck Messick

Mr. Messick presented the SRS role in the Global Threat Reduction Remove Program and the intermodal transportation aspects of this role. The US Nuclear Remove Program supports

permanent threat reduction by accepting program eligible material. This program works in conjunction with the Global Threat Reduction Convert Program to accept program eligible material as an incentive to core conversion by providing a disposition path for High Enriched Uranium (HEU) and Low Enriched Uranium (LEU) during the life of the acceptance program. The reasons for creating this policy are:

- To reduce the threat of nuclear weapons proliferation while enjoying the benefits of nuclear technology;

- To reduce and eventually eliminate, HEU from worldwide commerce; and

- To allow time for the countries with HEU and LEU to resolve their own disposition.

This program has been extended for another ten years. To date, 39 shipments have been completed, 7,992 spent fuel assemblies from 28 countries have been accepted, and 7 cross-country shipments have been completed. 213 casks and 6,610 assemblies have been shipped to SRS.

Once NNSA brings the material to the US, DOE-EM takes charge of the material. Some fresh material is sent to the Y-12 National Security Complex. Most material is currently at SRS and is planned to disposition via the H-Canyon through dissolution. The operational logistics includes:

- Coordination with states;
    - Security
    - Emergency management
    - Environment

- TRANSCOM tracking;

- Radiological tracking;

- CVSA level VI inspection;

- Coordination teleconference and meeting prior to intermodal transfer operations and shipment; and

- Intermodal transfer site and operations.

For security management, the following entities are involved:

- Security escorts;

- Port security;
    - DHS/US Coast Guard provide escorts and publish security and safety zone during transit and unloading
    - NWSC at the port including land and water
    - South Carolina State Law Enforcement Division (SLED)

- Transit security;
    - SLED (lead agency)
    - Highway patrol
    - State Department of Natural Resources
    - Railroad police (when using rail)
    - State Transport Police

For emergency management, the State Emergency Management is involved in planning meetings and monitors movement in the state. The State DHEC is also involved in planning meetings and monitors movement but has the additional responsibility of conducting "change in mode of transport" radiological surveys and shadows the shipment in the state. For tracking, TRANSCOM is used for both ocean and US territory land movement. Access to TRANSCOM is provided to states, DOE site EOCs, DOE HQ EOC and other on an as-needed basis. For radiological monitoring, surveys are coordinated with the point of origin and receiving facility prior to commencement of transport. The shipment container exterior is surveyed at the intermodal transfer point by the DOE survey team, DHEC, STP (when truck) and NRC (if applicable). The shipment container exterior is also surveyed at the receiving facility immediately upon arrival. Other surveys are performed during cask unloading as part of the facility's unloading procedures.

For CVSA inspections, the Level VI CVSA inspection is conducted on a tractor-trailer prior to truck shipment. Pre-inspection is conducted one day prior to the arrival of an ocean shipment. Final inspection is completed upon cargo unloading. For meetings, an intermodal transfer coordination teleconference is held prior to the shipment arriving at the port. Another meeting is held immediately prior to transfer operations at the port. The checklist for the intermodal transfer site and operations includes:

- Intermodal transfer pre-meetings;
- Security barrier;
- Access control;
- Key personnel and organizations involved early and present during the transfer operation;
- Special evolution contact list;
- Procedures and checklists; and
- Timelines.

Lessons learned from conducting intermodal transfers and shipments include the importance of the following:

- Intermodal transfer and shipment teleconferences and meetings;
- Early inspection of trucks and railcars;

- Site review radiological surveys;
- Personnel and equipment access and inspections to plant and DOE facilities;
- TRANSCOM operator reports for starting and stopping;
- Facility access advance information;
- Rail transport coordination;
- Backup crane is never used; and
- DOT/FRA and other key personnel need to be involved early in the process.

Concurrent Breakout Session – Update of EM Activities

Ms. McNeil, DOE/EM Office of Transportation, introduced the session and the EM speakers giving updates of transportation activities. The breakout session was offered two times. Notes from both sessions are combined below.

EM Waste Disposition - Christine Gelles, Director of Disposal Operations

Ms. Gelles began the session with a presentation of disposition strategies for Low Level Waste LLW)/Mixed Low Level Waste (MLLW), TRU Waste and HLW/SNF. The strategies provide the framework for managing the waste. DOE Order 435.1, Radioactive Waste Management establishes the policy and framework for waste disposition activities which includes:

- LLW/MLLW
  - If practical, disposal on the site where generated
  - If on-site disposal not available, at another DOE disposal Facility
  - At commercial disposal facilities if compliant, cost effective, and in the best interest of DOE
- TRU Waste
  - If defense, dispose at WIPP - Carlsbad, NM
  - If defense determination pending, safe storage awaiting future disposition
  - For TRU from West Valley, EM is working with General Counsel to determine if it is clearly defense origin for shipment to WIPP. If it is determined not to be of defense origin then it must be stored.
- HLW and SNF
  - Stabilization, immobilization/treatment if necessary, and safe interim site storage until geologic disposal is available

DOE/EM also has several waste management assets including:

- Multiple onsite disposal cells (mostly CERCLA) for site-specific remediation wastes;

- Two regional LLW and MLLW disposal facilities – Hanford and NTS;
    - Hanford currently limited to onsite waste
    - NTS MLLW disposal will end by November 2010; LLW will continue

- National repository for defense TRU waste – WIPP;

- TSCA Incinerator (Oak Ridge, TN) for MLLW treatment; and

- EM also utilizes commercial treatment and disposal facilities to support disposition of LLW and MLLW.

Nearly all sites have developed life cycle baseline plans to complete cleanup at their respective sites. These baselines include plans to ship wastes off-sites. The National Disposition Strategy will document and integrate within a single set of tools, the combined plans of all sites involved in waste management within the DOE complex. The complex-wide schedule will integrate with other schedules to tell the whole story of clean-up across the complex. A complex-wide disposition issues matrix, identifying top waste and material disposition issues which require management attention, will help to focus resources at headquarters.

EM updated the forecast data on waste shipped offsite and waste disposed (onsite and offsite). That information is publicly available at http://wims.arc.fiu.edu/WIMS. EM has also reinstated its complex-wide forecasting. The forecasting includes storyboards for waste disposition summaries of 300 waste streams, primarily LLW and MLLW. EM is using the data for planning activities; e.g., early forecasts of LLW disposal, MLLW treatment requirements, etc. The data can inform stakeholders of general LLW/MLLW streams planned for shipment/disposal. Revised TRU waste projections will be added later this year.

EM has prepared waste disposition maps that show stream names, waste type, physical form, volume, treatment needs, packaging needs, and the disposition facility. Circles are included showing programmatic risk color codes with red showing existing issues. Specific LLW/MLLW trends include:

- On-site disposal cells continue to serve large site cleanup programs at Hanford, Idaho, and Oak Ridge;

- Projected waste volume to off-site disposal continues downward trend based on latest life-cycle waste updates (closure site completions, budget constraints, project status);

- Significant use of commercial waste disposal is expected in spite of smaller volumes; and

- Large uncertainties remain in out-year forecasts due to currently unplanned/uncertain work scope at several key sites.

LLW/MLLW disposition trends include:

- Offsite LLW/MLLW shipments to Hanford remain suspended;

- Limited opportunity exists at NTS for higher-activity MLLW disposal;
- Limited operations planned at TSCA Incinerator;
- Commercial alternatives do not yet exist for some wastes;
- "Problematic waste streams" still exist… and future facility D&D will identify more;
- Final disposition of Fernald Silo residues remains uncertain; and
- Continued clean-up and future missions absolutely depend on availability of treatment and disposal.

EM continues to identify challenging waste streams. EM historically had hundreds of orphaned waste streams but those have been narrowed down in the last few years. Current DOE/EM shipping campaigns include:

- West Valley Demonstration Project drum cell cleanout and shipment to NTS *(represents a success of intermodal shipments);*
- Mound OU-1 LLW to Clive using Fernald rail cars;
- Portsmouth converter shells to NTS (classified);
- Increased utilization of the Mixed Waste Disposal Unit at NTS, plans are under development for macro-encapsulation of higher activity MLLW from Idaho and Oak Ridge;
- Depleted Uranium hexafluoride conversion product (to begin in FY08) using intermodal transportation to the NTS and rail to EnergySolutions. The NEPA analysis is being completed; and
- Planning is also underway for limited Special Nuclear Materials and SNF campaigns to support consolidation (FY08 and beyond).

Ms. Gelles gave an overview of TRU waste shipments but deferred the detail to Mr. Mackie's presentation at the end of this breakout session.

The final topic covered was Greater than Class C (GTCC) waste. GTCC is waste generated from NRC or Agreement State licensed activities which contains radionuclides at concentrations that exceed the limits for Class C radioactive waste as defined in 10 CFR 61.55. GTCC includes activated metals from the decommissioning of nuclear reactors, sealed sources, and other miscellaneous waste resulting from manufacture, research, and industrial activities. This waste must be disposed of in a geologic repository unless other methods are proposed to, and approved by, the NRC. The Low-Level Radioactive Waste Policy Amendments Act of 1985 assigned DOE the responsibility for developing GTCC disposal capabilities.

Disposition of GTCC waste must be deep geological disposal in a facility licensed by NRC. DOE/EM has responsibility for GTCC and DOE/OCRWM has responsibility for HLW and SNF. Public scoping meetings are scheduled for August 13, 2007 through September 10, 2007.

EM estimates 2,600 cubic meters of GTCC waste has been or will be generated, most of which will be sealed sources. EM will analyze DOE GTCC-like waste most of which is non-defense TRU. If there is a nonproliferation concern then EM must be prepared to dispose of future projects either through WIPP, the proposed Yucca Mountain Repository, Hanford, Idaho National Laboratory (INL), Los Alamos National Laboratory (LANL), NTS, OR, or SRS depending on mission compatibility. A general analysis of commercial disposal will also be considered.

Questions/Comments and Responses

Question: How can DOE list LANL as a disposal facility when they are trying to shut it down?

Response: The NEPA requires analysis of a full range of alternatives and DOE struggled with a list of sites to evaluate. The above listed sites were chosen because they have established programs and have mission compatibility. DOE is not really looking at OR, SRS, or LANL.

Comment: A participant was concerned that creating a new category for waste (GTCC-like) was stretching the limits of where we have been in the past.

Response: The EIS will analyze a range of materials including activated metals from utility reactors, sealed sources, and other waste (highly activated), but there may not be a single answer for all those wastes.

Question: Has DOE considered using WIPP as a potential site for disposal and if so, would it take a change in Land Withdrawal Act to use the WIPP site.

Response: If 10 or 12 orphan waste streams were identified, DOE would consider the need to change the waste streams going to WIPP and plan to pursue those changes all at once, not multiple times. It was noted that DOE must talk with the attorney general in New Mexico to gain those approvals.

SNF Transfer Project – Scott DeClue, Federal Project Director, SNF Integrated Project Team, SRS

Mr. DeClue introduced the SNF Transfer Project between SRS and INL. The SNF Transfer Project will complete the "Atoms for Peace" program that began over 50 years ago. This introduction of the project to stakeholders is two years ahead of when DOE wants to begin the shipments. The SNF Transfer Project is based on several SNF decisions including:

- 1995 SNF Environmental Impact Statement Record of Decision stating that aluminum clad SNF will be managed at SRS and non-aluminum clad SNF will be managed at INL;

- 1995 Idaho Settlement agreement which permits the SNF transfer between SRS and INL;

- 2000 SRS SNF EIS ROD;
  - Develop a Melt and Dilute process for 60% of aluminum clad SNF
  - H-Canyon processing for 40% of aluminum clad SNF
  - Ship non-aluminum SNF to INL

- 2006 DOE approved the Enriched Uranium Disposition Project stating that the H-Canyon facility at the Savannah River Site will be used to process aluminum clad SNF; and

- A Supplemental Analysis and Amended Record of Decision is being developed to designate H-Canyon processing as the preferred option.

The successful conclusion of this project will eliminate the need for SRS to build a new "drying out" facility (which would cost over $1 billion). Elimination of the entire SNF inventory at SRS will result in the completion of the SRS SNF mission by closing all SNF facilities (annual savings of over $35 million). This will also reduce the number of shipments of SNF from DOE sites to the repository and recover a valuable national resource, useful fissile materials, for energy use.

To complete the project EM proposes to ship SNF between SRS and INL beginning late 2009 and continuing through 2019. Approximately 30 shipments per year for 10 years are being planned (20 shipments from INL to SRS and 10 shipments from SRS to INL each year). The shipments will be coordinated with Foreign Research Reactor (FRR) and Domestic Research Reactor (DRR) shipments.

Each fuel assembly will be reviewed for safe shipping and disposition options. All Idaho fuel will physically fit in the DOE owned GE-2000 cask. Some SRS will fit (~40%), some will not. The SRS inventory includes some fuel which will need to be repackaged prior to shipment. Two casks (GE-2000 and NAC LWT) are currently being studied and EM is coordinating with Nuclear Energy (NE) and the Office of Science for Cask Procurement to maximize shared use options.

To assist in the planning process the Integrated Project Team (IPT) has been looking at SNF shipping Lessons Learned from the DOE complex. DOE Manual 460.2-1 will be followed and planning activities will follow the FRR cross-country and other EM SNF shipments. The IPT will coordinate with other shipments and avoid scheduling conflicts along the route and will work with stakeholders to understand their constraints.

Preliminary project planning has begun which includes advising stakeholders of the project and working on a draft Transportation Plan. Currently motor carrier transport is being considered and the IPT is looking at using the FRR routes. As the project moves forward other modes will be looked at. TRANSCOM will be used to track the shipments. The IPT will coordinate with corridor states and tribes as the project moves forward. SRS is planning on hosting a meeting at SRS in early 2008. The meeting will bring representatives from the four State Regional Groups and the impacted states and tribes together to discuss the project's progress and the draft Transportation Plan. A tour of SRS H-Canyon and L-Area facilities will be offered.

Mr. DeClue continued his presentation with an introduction of potential Heavy Water Shipments. Heavy Water is water with extra Neutrons in the Hydrogen atom which has been used in SRS reactors as a moderator. SRS has approximately 535,000 gallons of excess Heavy Water. Atomic Energy of Canada Limited has expressed interest in the Heavy Water for nuclear power reactors and DOE is exploring the concept of shipping approximately 10,000 drums to Canada, possibly beginning in late 2008. It may be 6-8 months before the decision to ship is made.

Questions/Comments and Responses

Question: What is the rationale for swapping fuels? Since ultimately the SNF would go to the repository why swap now and then ship again to the repository?

Response: SRS has the operational facility for processing aluminum clad fuels and shipping the non-aluminum clad fuels to INL allows INL to begin preparing it for subsequent disposal at the repository.

Question: The settlement agreement in question allowed for the shipments, but will DOE talk to tribes, and if so, when do they plan on doing that?

Response: The TEC meeting was being used to begin discussions on the planning for these shipments and DOE M 460.2-1 would be followed during the process. The participant cautioned DOE to make sure they do not say they talked to the tribes when only one affected tribe (Shoshone-Bannock Tribes) was currently present and the shipments will go right through their reservation.

Question: How was the initial decision to ship by motor carrier versus rail was made?

Response: SRS looked at the time frames for shipping by rail and they felt that shipping by motor carrier was the best decision in order to begin shipping in the currently defined timeframe. They will however entertain other options as the planning proceeds.

WIPP Update – Bill Mackie, Institutional Affairs Manager, Carlsbad Field Office (CBFO)

Mr. Mackie began his presentation by noting that on March 26, 1999 the first shipment to the WIPP from Los Alamos National Laboratory (LANL) was made. Since that first shipment 5,969 shipments (as of July 17, 2007) have been completed. Those shipments have been mainly from the INL, LANL, SRS, Rocky Flats Environmental Technology Site (RFETS), and Hanford. WIPP made forty-one remote handled shipments from INL during 2007 (thus far). They are ramping up on shipments with a goal of 25 contact handled and 6 remote handled shipments per week.

Each July and January CBFO issues a shipment letter to impacted states and tribes identifying in general terms the number of shipments expected during the next year. The projected shipments are all dependent on having waste available from the shipping sites and having the funding to make the shipments. WIPP also issues an eight week rolling schedule to states and tribes on a weekly basis which gives pertinent shipment information.

The contact handled waste is shipped in TRUPACTs, TRUPACT II's and HalfPACTs. Remote handled TRU is shipped in RH72Bs and on some occasions in the CNS 10-160B.

The Argonne National Laboratory (ANL) campaign will start in November 2007 and two shipments per month will be made through 2008. WIPP will be conducting a road show the week of August 20, 2007. The motor carrier will travel across I-80 from ANL and down I-25 to WIPP showcasing an RH72B empty cask on a trailer. They will leave Argonne August 20, 2007 and proceed to DesMoines-Iowa, Lincoln-Nebraska, Grand Island-Nebraska, North Platte-Nebraska, Cheyenne-Wyoming and down to Denver-Colorado ending at the WIPP facility near Carlsbad, New Mexico. The trip is scheduled for one week.

CAST motor carriers were recently awarded a contract for 15 tractors and tractor teams which are to be available 24 hours a day 7 days a week. All trucks are required to have data loggers in place. One of the transportation contracts is a small business set-aside contract which is currently being evaluated. Until that contract is awarded Tri-state will continue hauling to WIPP.

WIPP requires a joint hazard analysis between contractors and sites and an approved Quality Assurance program. Once winter comes WIPP will begin shipping SRS waste using 10-160B casks.

TRUPACT IIIs are being evaluated by NRC for certification. Once approved WIPP will start shipping waste in those casks. The TRUPACT IIIs will hold bigger waste that cannot yet be moved without remodeling. The certification testing was completed November 2006 and included nine drop tests and post test examinations of welding structures and vent ports to determine if they were leak tight. Upon examination it was found that the lid rings were contaminated from the payload pulverizing during the drop, some had some loose and bent bolts and reduced torque. The O ring was cleaned and the door put back together. A debris shield was developed to stop O ring contamination. Only 4 corner bolts were used to hold the door and the bolts were tightened to 1/7 of torque for additional tests. The container was then leak-tested once again. No leaks were detected. The analysis for certification has been submitted with completion anticipated in July 2008. Mr. Mackie was uncertain if they will need to do another set of drop tests.

<u>Questions/Comments and Responses</u>

Question: What sites are currently doing inter-site transfers?

Response: Oak Ridge could possibly start shipping CH waste to SRS for characterization and then ship on to WIPP.

Question: What is the design weight for TRUPACT IIIs and will DOE require overweight permits?

Response: The weights were very close and they may require overweight permits depending on the weight of what goes into the TRUPACT III. The payload weight which includes the roller

floor, was 11,409 pounds and would not require an overweight permit. Mr. Mackie added that rail is still off the table.

Concurrent Breakout Session – National Transportation Plan (NTP)

Ms. Holm (OCRWM/OLM) gave a presentation on the NTP. The purpose of the NTP is to explain to a wider audience of stakeholders exactly how the 2017 best achievable date was derived. The draft document considers stakeholder comments provided since the January TEC meeting. The version released in Kansas City will be updated and re-released on the OCRWM website for additional review and comment. The breakout session was offered two times. Notes from both sessions are combined below. The session consisted of a section-by-section review of the NTP in which the following questions/suggestions were raised:

<u>Situation Assessment</u>

- In addition to following best business practices, decisions on locations of rail support facilities should first follow political realities.

- It is critical to address the funding implications to the project.

- DOE should develop a contingency plan if the Nevada rail line is not available when the repository opens.
    - Has DOE assessed the risks of not getting rail access? A lesson-learned could be taken from the PFS facility.
    - How does Nevada Rail fit into the repository?

- Is the Naval Reactors program in agreement with the key dates presented by OLM? Requirements may differ between the agencies (e.g., placement of buffer and cask cars, adoption of S-2043).

- Has DOE made a decision on leasing or buying locomotives? New locomotives offer security enhancements not possible in older models. Specialized equipment is required to make electronic systems work.

- Does the NTP acknowledge that much has changed since the FICA and NSTI studies were conducted in the early 1990s?

- Where is the FRR SNF accounted for in breakout of waste? FRR SNF will come under the DOE share of SNF & HLW.

- OCRWM should include Yucca Mountain decisions in your timetable in order to place transportation decisions in context of the rest of the repository program.

<u>Development of Transportation System</u>

- Will contracts (rail and truck) specify personnel requirements such as driving records even though this could come at a premium cost?

- NTP is premature since benchmarking studies have not been completed.

- Social risks should be addressed in the plan.

- OCWRM should consider working with local responders well before routes are announced.

- DOE should consider including small business contracting requirements in the plan. What percentage of the work would be targeted for small businesses?

- How will OLM address workforce issues (union vs. non-union)?

- The Nevada Rail RFI should allow input by state and local governments since their tax revenues could be affected by procurement decisions. State and local governments should also have a say about small business utilization and regulatory issues. Local governments have been dealing with similar issues.

- Discuss the implications of the Standard Contract on shipment scheduling and routing. This needs to be addressed more thoroughly.

- Replacement of specialized parts for rail cars could be a problem. It might be more cost effective for DOE to procure these parts and have available on the buffer cars.

- Has a decision been made on the shared or private use of Nevada Rail? This will impact regulatory requirements.

- DOE should develop a transportation operations plan. The NTP should state when DOE will develop a transportation operations plan. It should specify where in transportation planning that step occurs.

- What are the procurement plans for non-rail rolling stock?

- Who will operate trains in Nevada corridors?

- How will DOE deal with en route rail inspections? Need to take into both mechanical inspections as well as radiological. Having rail inspections at crew change locations and other stops does not conform to state borders. Trucks are inspected at state ports of entry.

- It should be noted that the purpose of CVSA was to minimize delays due to inspections by having states recognize the inspections of other states.

- What happened to the research study regarding the appropriate number of miles between inspections for trucks and trailers? ALARA will be more of an issue for inspectors especially in small states where there are fewer inspectors.

- Trains carrying OCRWM shipments will go through tribal reservations. Will tribes be able to perform rail inspections under the Federal Railroad Administration's SCOP?

- Blocking a rail line would impede other traffic and could become a safety problem. The number of entities inspecting OCRWM rail shipments should be minimized.

- What is the appropriate interval between inspections for rail cars, 1000 or 1500 miles?

- Rail inspections have several dimensions. Track, operating practices and equipment such as signaling would be evaluated. Performance of the cask is also a consideration.

- Plan should address QA activities at shipping sites. This was a big issue for WIPP. There will be many sites, and DOE does not own them. Utilities will oversee QA at their sites.

Key Logistics Development Initiatives

- What is a suite of routes?

- What is DOE doing about the litigation that would require hazardous materials to by-pass cities?

180(c) Implementation

- How will the participants be selected for the 180(c) pilot program?

- 180(c) Program needs to account for the total cost of manpower required to attend training classes since backfilling will be necessary to support the class participants' regular duties.

- What is the stability of 180(c) funding?

- The NTP should address operational funding for state activities such as inspections since 180(c) proposed policy does not.

- Will 180(c) funds be provided along the routes only or for the whole state?

Tribal Topic Group

The Tribal Topic Group meeting began with a welcome by Mr. Jones (OCRWM/OLM) and proceeded to introductions and an opening prayer offered by Mr. Paytiamo (Pueblo of Acoma).

Tribal Caucus Summary

Mr. Arnold (Pahrump Paiute Tribe), Mr. King (Oneida Nation of Wisconsin), and Mr. Preacher (Shoshone-Bannock Tribes), provided a summary of the Tribal Caucus Meeting that was held prior to TEC on Monday July 23, 2007. The focus of the Tribal Caucus was to define the OCRWM program, discus its scope and who is involved, and evaluate the status of NWPA Section 180(c) funding. The primary issues identified included the time period surrounding the selection of Yucca Mountain transportation routes, which tribes will ultimately be involved, and

the funding that will be available based upon current tribal emergency response capabilities. Additionally, participants indicated they would like to have a yearly OCRWM tribal meeting. Tribal members were also encouraged to participate in other TEC Topic Groups.

Timbisha Shoshone Affected Status

Ms. Durham (Timbisha Shoshone Tribe) announced that on June 29, 2007, the Timbisha Shoshone Tribe was granted "affected status" by the DOI. A meeting was held between the tribe and DOE representatives, including Director Sproat. During the meeting, participants discussed funding for the tribe, as well as the next steps that the tribe will need to undergo to align it with the "affected counties." Tribal representatives were invited to participate in an Affected Units of Government meeting in Las Vegas the following day.

A short discussion on "affected status" and 180(c) funding followed. Mr. Jones said that tribes with reservations along the Yucca Mountain routes could be eligible for funding under Section 180(c) of the NWPA and that 11 counties have been designated as "affected units of local government." Mr. Lanthrum clarified this issue by stating that the proximity of tribes to Yucca Mountain routes will determine availability and allocation of funding. Congress will determine the level of funds available and states, tribes, and local governments will all have to submit letters to DOE indicating their financial needs related to Yucca Mountain transportation oversight activities.

Another participant added that "affected status" applies to funding for Yucca Mountain oversight and 180(c) funding will apply to transportation to Yucca Mountain. The two are completely independent of one another.

A participant suggested that "affected status" might be a good topic for discussion at the next TEC Tribal Topic Group meeting and that the tribes should work together to understand the issue. Potential panel members for that discussion included DOE staff and Mr. Artman, Assistant Secretary for Indian Affairs at DOI.

Several questions arose pertaining to how the Timbisha Shoshone pursued "affected status." It was recommended as a topic of discussion for a future Tribal Caucus session.

Impact on Oklahoma Tribes

A participant commented that the tribes are facing many difficulties in the State of Oklahoma due to proposed legislation that removes the Environmental Protection Act rights of the tribes. Additional concern was expressed over transportation issues in Oklahoma. Mr. Lanthrum encouraged tribal members to work with their Congressional Representatives on these issues, because they are outside of the OCRWM program.

Another participant asked if Oklahoma Tribes will be eligible for Section 180(c) funding. Ms. Macaluso responded that the Oklahoma Tribes and their associated land issues are a special situation and that the DOE will work directly with the Oklahoma Tribes on related Section 180(c) funding.

A participant recommended that tribal members take advantage of DOE's State and Tribal Government Working Group (an EM program). He said several STGWG Tribes have developed good government-to-government working relationships with DOE through the program.

Tribal Cultural Presentation

Mr. Arnold gave a cultural presentation on the tribes involved in the Yucca Mountain Project (YMP) Native American Interaction Program (NAIP). Key aspects of the presentation include:

- In 1985, various studies were performed to identify tribes with cultural and historic ties to the Yucca Mountain area.
- Three ethnic groups were identified through literature reviews and interviews: Western Shoshone, Southern Paiute, Owens Valley Paiute and Shoshone.
- 17 tribes and organizations currently involved in the YMP NAIP.
- Tribal update meetings between the tribes and DOE have been held 1-2 times per year since 1991. Involved tribes have stated on record their opposition to the proposed repository, yet they also recognize the importance of staying informed and staying current on program status.
- Tribes submit a series of recommendations to the DOE at the conclusion of the meetings.
- Tribes have formed various subcommittees to work on different projects with the DOE.
- The American Indian Writers Subgroup prepared a reference document to be utilized by the writers of the Yucca Mountain EIS to document Native American views and concerns.
- Tribes involved in the preparation of an Ethnobotany Report and American Indian monitors have worked with archaeologists at Yucca Mountain.
- Cultural differences make the work difficult at times. For example, there is no Indian word for radiation. One Indian elder described it as an "angry rock."
- Important for the tribes to stay involved so the non-Indians do not decide what is important to Indian people

Discussions ensued about future cultural presentations being given on a volunteer basis by alternating tribal groups at TEC meetings. Topic Group members suggested the presentations be given at a plenary session for all TEC attendees.

Denver Tribal Workshop

The spring tribal transportation workshop was held in Denver, Colorado, with a good tribal turnout. Mr. Jones briefly discussed the agenda items, since tribes discussed the workshop in the Caucus the day before. During the workshop, overviews on several DOE programs were

presented, including OCRWM, the Office of Congressional and Intergovernmental Affairs (CI) and EM/TEPP. During the workshop, tribes created a list of questions to be answered by DOE. DOE responded in writing and the Q&A list was a topic during the July 23 Tribal Caucus in Kansas City. Group members expressed their opinion that another workshop would be worthwhile. DOE staff present agreed.

A participant suggested that the group take a look at needs assessments and create a lessons learned summary for the next workshop, including sharing experiences with other DOE programs like Naval Reactors and the WIPP program. Mr. Jones suggested collaborating with STGWG might be a possibility. During the workshop, tribal representatives broke out into separate groups to discuss issues related to rail, security, routing and Section 180(c). Each group appointed a lead or "champion" to take the discussions forward among its members. Another participant questioned the need for these four subgroups, based on the availability of TEC Topic Groups, meetings, and conference calls for exchanging thoughts with others on the issues.

CI Update – Kristen Ellis

Ms. Ellis provided a program update, stating that her office reports directly to the Secretary of Energy and represents the entire Department, and not just one or two programs.

The EM *Framework Document* has been signed by several DOE offices and sets down plans for implementing DOE's American Indian Policy. It is under review by the Secretary's Office and will be in effect once it is signed by the 4 signatory offices. OCRWM reviewed the document and will likely modify it to meet OCRWM objectives. Once the document has been finalized, it will be distributed to the TEC Tribal Topic Group for review, with that purpose in mind.

Ms. Ellis reported that under the Energy Policy Act, an Office of Indian Energy Policy and Programs will be set up at DOE. A candidate for leading the functions of the office is being considered and DOE upper management would want that program manager to be in touch with the TEC Tribal Topic Group.

OCRWM Tribal Involvement Plan

Ms. Hill (DOE/OCRWM) has a draft Tribal Involvement Plan that will soon be released to the Tribal Topic Group for comment. Mr. Jones commented that the Plan is not a very formal document and would augment the OCRWM *Implementation Framework Document*.

National Transportation Plan

This document was covered in other TEC sessions in Kansas City. OCRWM would appreciate any comments on the document, which should be uploaded to the TEC Website for comment early in September. The Tribal Topic Group will be notified by email.

NWPA Section 180(c) Discussion

Referencing the map of potential Yucca Mountain transportation routes and tribal lands, Ms. Macaluso (OCRWM/OLM) said that if a rail or highway route to Yucca Mountain goes through a reservation, that tribe will be eligible for 180(c) funding and technical assistance. A participant

reminded those present that after the routes are selected some of the tribes in the room would not be eligible for funding. Questions were raised on DOE TEPP and the associated Modular Emergency Response Radiological Transportation Training (MERRTT) program (also an EM program). Ms. Macaluso said that tribes are eligible for MERRTT training, as are states and counties. Ms. Keister (Idaho National Laboratory) offered to provide contact information for those interested in the training.

A participant asked if tribes who are already receiving Hazardous Materials Emergency Preparedness (HMEP) funding would be eligible for Section 180(c) funding. Ms. Macaluso responded that HMEP funding is sponsored by the DOT for all hazardous materials, not just Class 7 Radioactive Waste. She stated if a tribe is eligible for Section 180(c) funding, it will not matter whether or not the tribe also receives HMEP funding. However, the DOE would ask that the tribe consider funding received from other sources as the tribe fills out the application for Section 180(c) funding. DOE will need a clear picture of all related funding received by tribes. Ms. Macaluso indicated that the grant application process will be available on-line, and like other federal grants, will eventually have to be completed on-line.

The discussion then ensued regarding the point that funding amounts available for planning and needs assessment are not to exceed $200,000 and funding for training is not to exceed $100,000. Any additional funding will be based on a formula method for states and a needs assessment for the tribes.

A question was raised as to whether 180(c) funding was just for civilian waste. DOE responded that any shipment to the repository under the NWPA will qualify for Section 180(c) funding. EM will handle its own waste shipments. A participant asked how long the funding will last once it is determined a tribe meets the criteria. DOE responded that funding will be available for the life of the program. Another participant suggested that the states need to consider the amount of tribal lands that will be affected by the transportation routes when they are using formulas for potential funding. Otherwise, the tribes could be "short-changed" on funding when doing their needs assessment if their land has been included in the state's analysis. A participant suggested that there not be a cap on the amount of funding available.

Ms. Macaluso distributed a copy of the "Needs Assessment Approach" for 180(c) funding to the Group. The 180(c) funding and technical assistance *Federal Register Notice* was published earlier in the week and will be emailed to Tribal Topic Group members and other tribal contacts on the OCRWM tribal contact list. If an email address is not available, the Notice will be faxed. Comments are due October 22 (a 90-day comment period). A conference call will be set up to discuss the needs assessment approach. The definition of "eligibility" is outlined on page 40142 of the Notice, and "Allowable Activities" are discussed on the same page.

In response to questions from the floor, Ms. Macaluso offered the following responses:

- In accordance with federal government practice, the Notice applies to Federally Recognized Tribes.

- The only part of the Notice that does not apply to tribes is the section on "Allocation Method." State allocations will be based on a formula approach and tribal allocations will likely be based on a "needs assessment approach." A *Federal Register Notice* will

eventually be printed to cover the allocation method for tribes. In that Notice, DOE will address the issue of states claiming miles of highway and railroad tracks located on tribal lands.

Other issues that arose, but for which there was not enough time to thoroughly discuss included:

- How the 180(c) application review committee will be selected (especially the Native American members of the committee). A participant said a regional approach to the committee would be needed to include committee members who know the area under consideration;
- Potential impacts on non-recognized tribes; and
- Consideration of trust lands.

Action Items

- Contact DOI regarding "affected status"
- Solicit volunteer for cultural presentation at next TEC plenary session
- Once funding becomes available, discuss plans for next tribal transportation workshop
- Make EM *Framework Document* available to Tribal Topic Group
- Distribute Tribal Involvement Plan for comment
- Distribute National Transportation Plan for comment
- Comment on National Transportation Plan
- Distribute 180(c) *Federal Register Notice* by email and/or fax
- Comment on 180(c) *Federal Register Notice*
- Set up a teleconference on the "needs assessment approach"

Rail Topic Group

Mr. Thrower (OCRWM/OLM) introduced Mr. Blackwell (FRA), who gave a presentation on the DOT Notice of Proposed Rulemaking (NPRM) HM 232E that was initially published December 21, 2006. The rulemaking requires rail carriers who transport carloads of more than 5 thousand pounds of 11, 12, or 13 explosives, bulk hazardous materials (TIH/PH), including (HRCQ RAM) radiological materials to:

- Collect annual data on routes to be used to transport these materials;

- Use data to analyze the safety and security risks of each route and the "next most commercially practicable route" considering no less than the minimum of 27 risk factors and choosing the safest and most secure routes. (It was noted that the 27 risk factors are not "weighted" factors. Many relate to the derailment rate; they are not entirely independent.);

- Need to mitigate and address specific safety/security concerns;

- Communicate and address transit delays with consignees; and

- Address en-route storage.

The discussion raised questions about the impact of the rulemaking on rail operations. AAR said they do not believe the rulemaking will substantially impact rail operations; rather it is intended to provide rail routing specifications. FRA will be accepting comments on the rulemaking. In the final rule, there should be preamble to explain issues in risk, which may have a significant impact on the rail routes. The final rule will place greater responsibility for risk analysis on the railroads, which could impact the ability of the states to select routes for nuclear waste. DOT is looking at rail routes carrying toxic inhalation materials through a participatory process, with few changes resulting from rail industry selections.

Participants asked whether there would be an evaluation of emergency response capabilities of states and local communities. A representative of BNSF noted that they were more concerned with local responder capabilities. He observed that since the proposed regulation will allow railroads to select primary and secondary routes, this will impact emergency response. Another participant observed that the railroads were always envisioned as having preeminent influence on route selection. Another participant noted that since DOE is providing funding for emergency response along the routes, the rulemaking may impact the distribution of funding.

A participant stated that the railroads view DOE as a customer, for whom shipments will be made according to regulatory requirements. The final rule is expected to be issued in conjunction with TSA rule. The goal is to have them published by the end of fiscal year.

Review of Conference Call Notes and Task Plan

The Topic Group agreed that the May 2007 version of the Task Plan reflects changes from Atlanta. Reports were provided by the Subtopic Groups:

- ***Intermodal Subgroup*** – A conference call arranged for back up documentation to inform future discussions. The near-term focus will be on what the final work products will be. Issues of concern involve NEPA and supplemental EIS issues for the Yucca Mountain rail project. An update of task plan will occur once new group determines its intentions.

- ***Radiation Monitoring Subgroup*** – The Subgroup identified six objectives and will be holding a conference call and developing a Task Plan.

- ***Inspections Subgroup*** – The trucking system has good inspection process, but the Subgroup found that there is no comparable process for rail. The Subgroup assembled an

inspection form and checklist using regulatory framework and have pared the form down to a more workable format. They plan to take it to the FRA State program managers meeting, provide a presentation, and obtain feedback to develop final recommended inspection forms. Once this occurs, these TEC activities will be completed. Once the forms/checklists are finalized, then the Subgroup plans to look at the transportation system as a whole.

- ***Tracking Subgroup –*** The Subgroup produced a report, analyzed technologies, and provided state views. DOE has been talking with IRIS about shipment tracking, and the Subgroup is interested in learning more about those discussions. They are examining these systems to determine their functionality. TRANSCOM functionality is good and meets state needs; however, TEC will need to continually monitor new technologies.

- ***Planning Subgroup*** – The Subgroup spent six months developing a planning timeline. The milestones will coincide with the draft NTP timelines.

- ***Escorts Subgroup*** – Subgroup will be put this issue on hold until OCRWM requirements are defined. This will be part of discussion in Security Topic Group.

- ***Lessons Learned Subgroup*** – Comments from previous shipping campaigns are incorporated into the document. Consideration may be given to combining other shipment campaign lessons learned into a comprehensive document. Comparative view with OCRWM benchmarking study will be made. Recommendations include the need for better communication and coordination in pre-shipment planning phases. It was noted that TEC representatives may be different from the Governor's designees for pre-shipment planning. Among recommendations made, it was acknowledged that reconciliation of conflicting comments would occur prior to final publication of lessons learned documents.

Discussion Issues

Mr. Halstead (State of Nevada) prepared a brief paper with a list of potential intermodal shipping routes and issues, particularly identifying those sites from which shipments will occur in the first five years requiring intermodal transfers. Near reactor rail capability was noted as a concern. Participants suggested that NEPA documents currently being prepared will respond to some of these issues. It was also noted that international experience with nuclear material shipments, such as in France and Sweden, provides insight into need for dedicated equipment and badge roll-on/roll-off equipment. Participants raised concerns about the Nevada end for receipt of shipments, especially if no rail is provided. They agreed that the Intermodal Subgroup might explore these issues in greater detail.

A tribal representative expressed interest in the Rail Topic Group. Particular emphasis was raised with respect to pre-notification and communication in the pre-shipment phases.

Participants then discussed unresolved issues and the potential need for additional Topic Groups; however, it was agreed that on-going issues of the Subtopic Groups should be concluded prior to establishing any new groups. Mr. Thrower noted that many issues being raised are related to

operations and may be best addressed in the context of a yet-to-be formed Operations Topic Group.

Brainstorming Issues

The principle area of discussion related to carrier contracts. Mr. Thrower referred to the on-going Aberdeen - Rockfish rate case involving the federal government and the Class 1 railroads. He is the OCRWM representative on the executive agency team on the case, and he mentioned that a recent settlement was reached with the Union Pacific Railroad, while agreements with other railroads are pending. Participants noted that provisions in the tariffs for various types of service may impact nuclear waste shipments despite the fact that shipments today are being conducted without a specific contract.

OCRWM has not determined at this date whether or not it will use these agreements. OCRWM has reviewed the experiences of other programs and recognized that railroad contractual privity with shipping client may preclude stakeholder involvement in rate discussions. OCRWM will look forward to building on the success of the railroads.

Routing Topic Group

Mr. Jones began the meeting with a welcome and introduction of the topic members, other participants, and support staff. Mr. Jones announced that this session would be his final meeting with the Topic Group as the Topic Group lead. Mr. Thrower will be the new DOE Routing Topic Group lead as Mr. Jones will be moving on to another job within the department. Mr. Jones reviewed the agenda as including the following items for discussion:

- Task plan comments and discussion;
- DOT/DHS rulemakings;
- Suite of routes definitions;
- Routing principles;
- Route identification process; and
- Next steps.

Task Plan Comments and Discussion

Mr. Jones stated that there have been various iterations of the Task Plan. The dates for the activities and products in the Task Plan are open-ended so as not to interfere with the on-going NEPA process for the Rail EIS. One participant noted that the Notice of Public Intent (NOPI) to broaden stakeholder interest was not included in the Task Plan. Mr. Jones responded that DOE will be placing a Federal Register notice concerning the NOPI some time in the future.

There were several comments regarding Activity #4 Identifying Routing Criteria. The following discussions focused on the issue of criteria and whether identifying routing criteria should be in the Task Plan.

One participant suggested testing draft criteria on a previously used route for past spent nuclear fuel shipments and then use the proposed routes selected by the Topic Group. Another participant stated that the Topic Group needs a consensus on what the criteria is for selecting a proposed route. A participant stated that the Midwest used criteria that benefited their region on selecting routes for their study. However, criteria may be different for other regions based on their region's priorities. Mr. Jones responded that there may be different sets of criteria depending on the number of criteria used for route selection (i.e., three or four criteria versus a long list of criteria).

A participant stated that the Topic Group is trying to make decisions about criteria before other issues such as the suite of routes definition and criteria methodology have been agreed upon by the Topic Group. The Task Plan implies a sequence and linear approach. The Topic Group should first agree on a selection of criteria methodology. In addition, if DOE is proposing an unbiased, scientific selection process, then the Topic Group needs additional experts to aid this process. Another participant stated that criteria predetermine approach and methodology. Activities #1, #2, and #5 in the Task Plan should be done sequentially. Activity #4 should be deleted from the Task Plan.

Another concern raised by a Topic Group member is the potential for a lack of adequate first responder training along the proposed routes. The basis of 180(c) funding is distributed based on routes. Using WIPP as an example, the routes were not the shortest or quickest routes but were routes that optimized the training. Mr. Thrower responded that these model runs are for practice. When the final routes are selected there will be adequate funding available for 180(c) training. Another participant further stated that safe and secure shipments will alleviate the need for extensive first responder training. The Topic Group member concerned about training stated that perception of risk is an overriding concern by the states. Public perception is that there needs to be trained first responders in order to have safe shipments.

In regards to other activities in the Task Plan, one participant noted that there are no dates assigned to Activity #5 Identifying Suites of Highway, Rail and Barge Routes. This participant suggested that the route dates correspond with the release of the NTP, and that the Topic Group use the routes identified in NEPA document for the Rail EIS which has a public release of October 12, 2007.

Additional discussions revolved around the need for determining criteria. Concern was expressed that routing criteria should not be ignored. One participant stated that Activity #3 in the Task Plan will address criteria as approaches are debated among the Topic Group members. Mr. Jones agreed that Activity #4 and its associated products will be deleted from the current Task Plan.

Overview of Proposed Rail Safety & Security Rulemakings

Mr. Blackwell again gave a brief presentation on the DOT and TSA NPRMs that affect rail safety and security (see Rail Topic Group summary). DOT NPRM HM-232E was published on December 21, 2006 and seeks to clarify and enhance existing regulations.

Rail carriers who transport carloads of more than 5000 pounds of 1.1, 1.2, or 1.3 Explosives, Bulk TIH/PIH materials, and/or HRCQ RAM would be required to do the following:

- Collect annual data on routes used to transport these materials;
- Use data to analyze the safety and security risks on each route and the "Next Commercially Practicable" route considering no less than the minimum twenty seven risk factors and choosing the safest and most secure route;
- Communicate and address transit delays with consignees; and
- Address en-route storage.

All carriers would be required to perform security inspections in conjunction with required safety inspections. Two public meetings were held in February 2007 with the comment period closing on February 20, 2007. The Draft Final Rule is currently in circulation for review at DOT with the Final Rule expected sometime in September 2007.

The TSA Rail Security NPRM was published on December 21, 2006. This NPRM addresses all rail carriers plus fixed facilities that ship and/or receive the specific hazardous materials addressed in the DOT NPRM. One major difference between this NPRM and DOT NPRM is TSA's NPRM includes tank cars of TIH/PIH materials instead of bulk packages. Some of the specific requirements detailed in the TSA NPRM include:

- Designation of a Rail Security Coordinator and reporting of significant security concerns to DHS; and
- Rail freight carriers must provide TSA information on specified hazmat shipments within one hour after a request. This applies to all hazmat rail shippers and rail hazmat receivers in High Threat Urban Areas (HTUAs) with cars in their physical custody and control

The chain of custody and control in the TSA NPRM addresses documented custody transfer, performance of a security inspection, and maintaining secure custody of shipments among shippers, carriers, and consignees of high hazard commodities within and outside of defined HTUAs. TSA also held a public meeting on their proposed regulations and closed the comment period on February 20, 2007. The DHS Secretary is also committed to having a Final Rule issued by September 2007.

Survey of Docketed Comments on the DOT and TSA NPRMs

Mr. Finewood (BAH) presented the survey results of the DOT and TSA NPRM. The DOT NPRM received sixty two individual comments and the TSA NPRM received seventy two

individual comments. Of the total 134 comments, 7 comments referenced transporting nuclear materials and 43 comments referenced routing concerns.

Comments were divided into two positions: reasons supporting routing considerations and reasons opposed to routing considerations. Twelve comments cited reasons for supporting additional routing considerations and fourteen comments cited reasons against additional routing considerations. Some of the reasons for supporting and opposing included: safety, security, uniformity, costs and pre-emption.

A participant asked if the issue of vulnerability was addressed in any of the comments. He indicated that TIH shipments are more vulnerable by their very nature. Accidents in rural areas were not discussed, but this affects the funding for 1st responders. Another participant stated that rural areas are also vulnerable due to theft or derailment.

Mr. Finewood responded that only 5 percent of all comments received mentioned radiological transportation. All comments are available to the public via the DOT and TSA websites. Mr. Finewood will provide the websites to the Topic Group after the TEC meeting via e-mail. Additional comments on the NPRMs suggested that these rules could complicate the way railroads ship cross country and that the driving force behind the NPRMs are TIH and PIH materials, not Spent Nuclear Fuel. This discussion evolved into a debate on the route selection process.

Route Selection Process and Suite of Routes Definition

A participant asked why DOE was even involved in the routing issue. He suggested that DOE should let DOT and DHS take the lead. Mr. Lanthrum responded that DOE had initiated the routing discussion and intended to remain actively engaged in the process. Another participant commented that there are a myriad of acceptable routes and these NPRM rules can be applied to finalize which routes to use. One member stated that when shipping SNF to Yucca Mountain is two to three years from happening, railroads will engage in routing decisions and weigh options based on DOE criteria. Additional participant comments included:

- Route selection should not primary or secondary routes. Selective objectivity will determine routes in different regions.

- NPRMs do not give definitive factors for selecting routes. If a state has a valid argument regarding a route, carriers will take that information into consideration.

- All routes are not equal regarding the safe transport of hazardous shipments

Suite of Routes Definition Discussion

Mr. Jones introduced several slides depicting alternative route scenarios from five utility sites to Yucca Mountain. This could be the first step in identifying routes. Comments from the Topic Group included:

- What constitutes a route? Is the route from the point of origin to the final destination or just main routes which the origin sites feed into?

- The FRA Study is considering short line service to nuclear sites.

- The current suite of routes definition is based on operations. Several participants would like to see how routes selection is affected by factors such as weather conditions, regional equity, etc.

- An example of an unintended consequence is the WIPP beltway around Santa FE, New Mexico to keep shipments out of town. Real estate prices (residential) soared based on the highway development. The proposed route is not in populated areas since the residents have moved into other areas.

- Local knowledge of routes will provide insight as to what routes will be available to the group for discussion

- There are trade-offs in risks in selecting routes. For example, a route that goes through an urban area versus a tunnel, route that goes through three urban areas versus six urban areas, and the class of track. It will be a balancing act.

A participant stated that the Topic Group needs to be able to check something off the Task List as having been accomplished in this meeting. Some concern was expressed about the implementation of the suite of routes in association with the 180(c) funding. Ms. Judith Holm responded that the grant planning will take place 63 months from the shipment date and the training grants will be implemented two years out from the shipment date.

In regards to the actual suite of routes definition, Mr. Lanthrum commented that DOE wants some operational flexibility with more than one route from each site. The end goal for DOE is to provide routes to stakeholders for the purposes of obtaining 180 (c) funding for respective first responder training.

As this discussion is taking place, several iterations of the suite of routes definition have been proposed. One member asked if in an emergency, can another route be used that was not included in the original suite of routes. Mr. Lanthrum indicated that it could be. Another participant indicated that some states will not allow SNF trains on routes that have not received hazmat training. The complete rail network is not a viable option for inclusion in the suite of routes for DOE purposes. The final suite of routes definition agreed upon by the Topic Group during this meeting is as follows:

> *"A suite of routes is a set of potential routes that the DOE can use to conduct shipments of spent nuclear fuel and high-level radioactive waste that are safe, secure, efficient, and merit public confidence. The suite is comprised of a limited number of distinct shipment routes to the final destination. The purpose of the suite of routes is to provide operational flexibility for the department, when needed due to weather conditions, track maintenance, rail traffic volume or other considerations."*

Routing Principles

As the last item on the agenda, Mr. Jones steered the Topic Group towards reviewing the Routing Principles. The four safety principles consist of operations safety, public safety, radiological safety and regulatory compliance. The four operational and commercial principles consist of security and operational flexibility, operations efficiency, operational utility and commercial practicability. One member stated that there needs to be a regional equity component to the routing principles. Mr. Jones responded that since time was running out for the meeting, all comments should be submitted to OCRWM by August 15th.

Action Items

- Revise Task Plan-delete Activity #4 and its associated products
- Send website links to Topic Group on DOT/TSA NPRM comments
- Locate the Task Plan Flowchart
- Send all Routing Principles comments to Alex and Michele by August 15th
- Schedule conference call for Topic Group in late August
- Provide revised Routing Principles to Topic Group for review
- E-mail Vernon Jensen routing maps used in presentation

Security Topic Group

Mr. Thrower opened the Topic Group discussion and presented the participants with a draft Information Sharing Document that is based on the Classification Guide. He observed that security issues, by their very nature, are difficult to discuss in specific terms without disclosing sensitive information. This is further complicated by the fact that TEC is an open forum.

On the other hand, there will ultimately be security-related elements of the transportation system that resemble existing components, even though their precise final form is uncertain. Therefore, the Information Sharing Document is intended to assist stakeholders in developing and refining security-related program elements even in the face of uncertainty.

Mr. Thrower presented a brief section-by-section summary of the document. Highlighted sections include:

- Section 1.3 – Information sharing with the DHS and the Joint Regional Information Exchange System;
- Section 2.2 – Discussion of terms, specifically, “Need-to-Know;”
- Section 3.2 – Making official use only (OUO) determinations;

- Section 4.2 – Emergency conditions superseding normal restrictions on classified information being disclosed to individuals that do not meet eligibility standards for access; and

- Section 5.3.1 – Emergency operations.

Mr. Thrower suggested that participants focus on Sections 5 and 6 during their review; although he noted that all comments were welcome. He would like to finalize the document in one or two months; therefore, he asked participants to provide comments on the document within four weeks of TEC.

Mr. Thrower observed that the last remaining item on the Security Topic Group work plan was the annotated bibliography of publicly-available documents related to security of radioactive material transportation. The Transportation Resource Exchange Center (T-REX) at the University of New Mexico was tasked to prepare a draft bibliography as part of their cooperative agreement with DOE. The draft was then subjected to an individual classification review and a compilation review.

Based on this review, DOE has determined that the draft bibliography may be inappropriate for DOE sponsorship at this time due to either potentially unsuitable information within a document or possibly across a range of documents based on DOE standards. The fact that some of these documents are available from other sources does not impact the DOE analysis. Mr. Thrower observed that DOE directives and guides reflect the current Departmental perspective in determining suitability of information for possible dissemination and that DOE employees must observe this guidance. He added that no further action by DOE on this item is planned.

Mr. Thrower noted that once the Information Sharing Document is finalized, having closed out all of its tasks, the Security Topic Group will cease operations. He stressed that DOE will continue to discuss security issues with stakeholders, however, these discussions will not occur within TEC.

<u>Questions/Comments and Responses</u>

Comment: NRC recently issued a rule that stipulated that affected personnel would be required to receive both background and "trustworthiness" checks. Eventually, every individual (e.g., drivers, railroad engineers, support personnel) would receive some sort of background check.

Response: The impacts of new security clearance requirements will be far-reaching, both in terms of the cost and time required.

Question: A participant asked about planned truck shipments of EM waste from SRS to INL.

Response: DOE is committed to identifying lessons learned from all campaigns, whether they involved rail shipments or were exclusively via truck. The on-going benchmarking efforts are a part of this lessons learned strategy.

Comment: A representative of a commercial transport company observed that his firm had obtained at least an "L" clearance for all its drivers, as well as "Q" clearances for selected drivers. He said that the investment in time and money was significant, but it was worth it because it made working for DOE a lot simpler.

Response: A railroad industry representative asked approximately how many personnel had received these clearances. When he was informed that the number was 350, he noted that adopting a similar approach for the railroads was a bit more complicated as it would involve getting clearances for approximately 35,000 engineers plus another 50,000 trainmen.

Section 180(c) FR Notice Overview

Ms. Macaluso presented a comparison of the Topic Group's input on the Section 180(c) policy with the revised proposed policy that was published in the Federal Register on July 23, 2007. She made the following points:

- The grant guidance document that was to be published with the policy will instead be released to the TEC membership for comment. No date is set for this to occur.

- The grant evaluation criteria were moved from the grant guidance document into the revised proposed policy.

- Of the principles of agreement that the four State Regional Groups submitted to DOE, about half were adopted with edits.

- Of the eleven issue papers that the Topic Group worked on, the recommendations from eight were adopted fully or with edits.

Ms. Macaluso noted that the 90 day comment period closes October 22, 2007. She also noted her intention to develop a supplement to the Federal Register notice. The supplement will address any differences regarding tribal government participation in the Section 180(c) grant program relative to state governments.

Topic Group Summary/Closing Remarks

Topic Group leads then presented brief summaries of their respective discussions. Mr. Thrower summarized the Rail and Security Topic Groups, while Mr. Jones discussed the Tribal and Routing Topic Groups (see the detailed Topic Group summaries above for more information).

Mr. Lanthrum closed the meeting by paying tribute to Ms. Holm who will be retiring in the fall. He thanked Ms. Holm for her leadership and guidance of the OLM Institutional Team and for her innumerable contributions to OLM's overall mission as well as to TEC. Several representatives of the Tribal and State and Regional Groups also expressed their gratitude and admiration to Ms. Holm for her professionalism and leadership.

The meeting was adjourned.